IN THE HIGH COURT OF UTTARANCHA AT NAINITAL

WRIT PETITION NO. 496 (MS) OF 2006

Vinod, S/o Prakash,
R/o Village Mohitpur,
Pargana Bhagwanpur, Tehsil – Roorkee,
District-Haridwar. .....Petitioner.

Versus

1. State of Uttaranchal, through District Magistrate, Haridwar.
2. Ramkala, S/o Kesaria,
3. Rampal S/o Simru,
4. Gyanu, S/o Simru,
5. Minder S/o Dharmu,
   All R/o Village Mohitpur,
   Pargana Bhagwanpur, Tehsil-Roorkee,
   District – Haridwar. .....Respondents.

Mr. K.S. Verma & Mr. Raj Kumar Verma, Advocate for the petitioner.
Learned Standing Counsel for the respondent no. 1.

Dated: 04.05.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ mandamus commanding and directing the respondents not to interfere in the peaceful possession of the petitioner and other allottees over the Khasra No. 402, 407 and 411 village Mohitpur, Pargana Bhagwanpur, Haridwar.

Briefly stated, according to the case of the petitioner, the petitioner was allotted Patta by the then Sub Divisional Officer, Roorkee, District Haridwar in the year, 1995 Khasra No. 402, 409 and 411 along with the other co-tenure holders.

Petitioner has stated that the said Patta was duly approved and thereafter, the names of the persons were duly recorded in the *Nakal Khatauni* as Sankramaniya Bhumidhar and he was also supplied Jot Bahi for the land, which was allotted by the authority concerned.

Petitioner has further submitted that the respondents no. 2 to 4 filed a Suit under Section 229 of the U.P. Z.A. and L.R. Act and the same was dismissed on 31.03.1998. On having failed in the suit, they are interfering with the possession of the petitioner.

The petitioner has met the District Magistrate on 2nd June, 2004, who has directed the S.O. Police Station Bhagwanpur in this connection. The petitioner has also made a representation where a direction has been made in this regard but of no avail.

Petitioner apprehends that he shall be interfered with the cutting of crops in case, they are not restrained.

In view of the above, District Magistrate is directed to ensure that if the petitioner has been allotted the Patta, the same may not be interfered by the respondents.

Subject to above, writ petition is disposed of. No order as to costs.

Copy of the order to be given today.

(Rajesh Tandon, J.)

04.05.2006

Rathour